

## **REMARKS**

Applicant is in receipt of the Office Action mailed December 19, 2002.

### **Objection to the Abstract**

The Abstract was objected to as not being in the proper form. Applicant has amended the Abstract to be less than 150 words. Applicant submits that the Abstract, as amended, is in proper form.

### **§112 Rejections**

Claim 10 was rejected under §112 as being indefinite because claim 10 included two limitations of the term “a portable computing device”. Applicant has amended claim 10 to provide greater clarity.

### **§102 Rejections**

Claims 1-48 were rejected under §102(b) as being anticipated by Stewart (U.S. Patent No. 5,835,061). The Stewart ‘061 Patent generally teaches a method for providing geographic-based services in a network system. The ‘061 Patent teaches that a plurality of information or service providers may be connected to the network for providing information and/or services to users of the network. However, Applicant submits that the ‘061 Patent does not teach or suggest the concept of allowing users of portable computing devices who are associated with different network providers to utilize a common network infrastructure, e.g., access points. Applicant respectfully submits that the information providers and/or service providers discussed in the ‘061 Patent are different than the “network provider” as recited in the present claims.

More particularly, present claim 1 recites that network access to the portable computing device is provided through a determined network provider. Thus the network provider provides network access to the portable computing device. In contrast, the information/service providers as described in the ‘061 Patent merely provide information or services based on requests from users.

The Office Action states that the ‘061 Patent teaches “wherein the identification information indicates a network provider of a plurality of possible network providers”

citing column 3 lines 18-22. However, the information providers described in the '061 Patent merely provide information based on requests from the user. These information providers do not provide network access to the portable computing device as required in present claim 1.

With respect to the step of "providing network access to the portable computing device through the network provider determined in said determining" the Office Action cites column 4 lines 56-58. However, this cited portion merely refers to a user accessing a service provider over a network connected through the access point. This cited portion contains no discussion of how network access is provided to the user. In other words, the information providers or service providers in the '061 Patent do not provide network access to a portable computing device. Rather, the '061 Patent presumes that a portable computing device has network access and these providers merely provide information or services to users based on user requests. In contrast, the present claims are directed to a system which allows users of portable computing devices associated with different network providers to utilize a common network infrastructure, e.g., a plurality of access points, with users using their associated network provider to provide the network access. The '061 Patent does not have any teaching or suggestion regarding selection of network providers for providing network access. Therefore, Applicant submits that the various independent claims 1, 21, 44, 46, and those dependent thereon, are allowable.

## CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5285-04800/JCH.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Request for Approval of Drawing Changes
- ☐ Notice of Change of Address
- ☐ Check in the amount of \$        for fees (        ).
- ☐ Other:

Respectfully submitted,



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Date: 3/19/2003